

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. McCONNELL. I announce that the Senator from South Carolina (Mr. GRAHAM), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

I further announce that if present and voting, the Senator from Delaware (Mr. BIDEN) and the Senator from Massachusetts (Mr. KERRY) would each vote "yea".

The PRESIDING OFFICER (Mr. FITZGERALD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 28, nays 59, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—28

Bingaman	Feinstein	Murray
Byrd	Fitzgerald	Nelson (FL)
Cantwell	Harkin	Reed
Carper	Hollings	Sarbanes
Chafee	Inouye	Schumer
Clinton	Kohl	Stabenow
DeWine	Leahy	Warner
Dodd	Levin	Wyden
Durbin	Lieberman	
Feingold	Mikulski	

NAYS—59

Alexander	Daschle	Lugar
Allard	Dayton	McConnell
Allen	Dole	Miller
Baucus	Domenici	Nelson (NE)
Bayh	Dorgan	Nickles
Bennett	Ensign	Pryor
Bond	Enzi	Reid
Breaux	Frist	Roberts
Brownback	Grassley	Rockefeller
Bunning	Gregg	Santorum
Burns	Hagel	Sessions
Campbell	Hatch	Shelby
Chambliss	Hutchison	Smith
Cochran	Inhofe	Snowe
Coleman	Jeffords	Specter
Collins	Johnson	Stevens
Conrad	Kyl	Sununu
Cornyn	Landrieu	Talent
Craig	Lincoln	Thomas
Crapo	Lott	

NOT VOTING—13

Akaka	Graham (FL)	McCain
Biden	Graham (SC)	Murkowski
Boxer	Kennedy	Voinovich
Corzine	Kerry	
Edwards	Lautenberg	

The amendment (No. 2635) was rejected.

Mr. CRAIG. I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, S. 1805, which we are in the midst of debating, is good legislation and I am a cosponsor of this bill. It will help curb frivolous litigation against a lawful American industry and the thousands of workers it employs. Imagine if General Motors were to be held liable for every accident caused by a reckless or drunk driver. Likewise, businesses legally engaged in manufacturing, importing or selling firearms should not be liable for the harm caused by people who use that firearm in an unsafe or criminal manner. This legislation does carefully preserve the right of individuals to have their day in court with civil liability actions for injury or danger caused by negligence or defective product, a standard in product liability law.

Adding amendments such as an extension of the assault weapons ban threatens the chances of this important legislation ever becoming law. This bill is too important to be saddled with "poison pill" amendments.

Four years ago, in the midst of the 2000 election, I said that my goal in fighting criminals was to enforce, not repeal, existing laws. And, indeed, in Virginia we have seen that incarcerating violent felons is the best crime reduction policy. I would support reauthorization of the assault weapons ban in its current form if this legislation had proven effective in reducing violent crime. I have reviewed the thoughtful claims and extensive assertions of proponents and opponents of this law. I have concluded, after a review of the evidence, that this symbolic ban of 19 firearms chosen for cosmetic reasons is a meaningless, toothless law that has virtually no impact on crime. I have decided, therefore, to vote against extension of the assault weapons ban.

Police reports and Federal felon surveys have consistently shown that so-called assault weapons are used in only 1 to 2 percent of violent crimes. Crime victim surveys indicate the figure is only one-quarter of 1 percent, 0.25. Murders with knives, clubs and hands outnumber those with assault weapons by over 20-to-1.

Put another way, notwithstanding this 10-year ban of 19 firearms, criminals continue to commit criminal acts, they just do so with other weapons; with other guns, knives or objects.

The simple fact is that the assault weapons ban only attacks the cosmetic features of a gun, banning some guns even though they function exactly the same as hundreds of other semi-automatic firearms.

It is also worth noting that we are not talking about the fully automatic firearms or machine guns that many Americans view as assault weapons—the Uzi and the AK-47—they were already banned by previous laws. Nor are we talking about any firearms that are readily or easily converted to fully automatic firearms. Sale of such fire-

arms is already banned under current federal law.

I recently watched a CNN interview that showed an individual firing a gun that was banned under the 1994 law and a gun that is readily available today. Both guns produced the same results with the same impact. The only difference is that one had a different type of grip, stock or bayonet lock than the other. Therefore, the banning of these accessories is purely cosmetic. The focus should be on criminals not guns, and it should be on programs that work, like Project Exile and the Abolition of Parole.

I am also concerned that by reauthorizing this gun ban legislation, it will serve as a platform inviting added restrictions on Second Amendment rights. The current law, then, only makes sense if the ultimate goal it is to ban more and more guns in the future, something I cannot support. This can be seen in several proposals and amendments now before Congress to expand the current assault weapons ban proposals that permanently ban a large number of guns that citizens lawfully use for competition, hunting or self-defense. I have a long and consistent record of supporting the rights of Virginians and Americans to protect their families and themselves, and I am committed to protecting those rights of law-abiding American citizens.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMBATING SEXUAL ASSAULT OF U.S. SERVICEWOMEN IS CRITICAL

Mr. DASCHLE. Mr. President, last week members of the Senate Armed Services Committee heard deeply disturbing testimony about unspeakable acts of violence committed against at least 112 of our military personnel deployed in Afghanistan and the Iraq theater. Unfortunately, the acts of violence discussed in the committee were not committed by the Taliban or terrorists, but by fellow American troops who have sexually assaulted their female counterparts. This egregious situation is unacceptable.

Back home in South Dakota, I have met so many female soldiers who have proudly volunteered to serve this Nation. Like their male colleagues, they demonstrate tremendous patriotism and love for America. They also share the strong sense of duty and pride in being a member of our great military. They deserve the country's and their fellow soldiers' wholehearted respect.

Sadly, the Armed Services Committee testimony suggests that too many of our women soldiers must be concerned not just about combating